CLERK'S COPY.

TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, 1937

No. 208

LEITCH MANUFACTURING COMPANY, INC.,
PETITIONER,

vs.

THE BARBER COMPANY, INC.

ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE THIRD CIRCUIT

PETITION FOR CERTIORARI FILED JULY 16, 1937.

CERTIORARI GRANTED OCTOBER 11, 1937.

INDEX.

	Page
Docket Entries	1
Bill of Complaint	3
Answer to Bill of Complaint	10
Motion for Leave to Amend Answer	16
Amendment to Answer	16
Narrative Form of Testimony	18
Duff Abrams—	
Direct Examination	19
Cross-Examination	33
Re-Direct Examination	39
Harold C. Hayden—	
Direct Examination	40
Cross-Examination	51
Gloster P. Hevenor—	
Direct Examination	54
Cross-Examination	57
Re-Direct Examination	58
Re-Cross-Examination	58
Ered H. Uffmann—	
Direct Examination	58
Cross-Examination	59
Re-Direct Examination	59
S. Michael Pineles—	
Direct Examination	59
James W. Howard—	
Direct Examination	72
Cross-Examination	89
Russell R. Barrett—	
Direct Examination	94
Cross-Examination	95
Henry W. Wilson—	
Direct Examination	95
Herbert H. Porter—	
Direct Examination	95

	Page
Duff Abrams (Recalled on Rebuttal)—	
Direct Examination	100
Cross-Examination	102
Opinion	104
Decree	116
Assignment of Errors	118
Plaintiff's Petition for Appeal	119
Order Allowing Appeal	120
Bond on Appeal	121
Citation on Appeal	123
Præcipe	124
Stipulation	126
Proceedings in U. S. C. C. A., Third Circuit	127
Minute entry of argument and submission	127
Petition for leave to file supplemental bill in District Court	127
Supplemental bill of complaint	128
Order granting leave to apply to District Court for leave to file supplemental bill, etc.	130
Opinion, Buffington, J.	131
Dissenting opinion, Thompson, J.	141
Judgment	142
Clerk's certificate	142
Notice of petition for writ of certiorari	143
Order allowing certiorari	144

IN THE

District Court of the United States,

FOR THE DISTRICT OF NEW JERSEY.

E-4911. IN EQUITY.

LETTERS PATENT HAYDEN No. 1,684,671.

BARBER ASPHALT COMPANY

v.

STULTZ-SICKLES COMPANY AND LEITCH MANUFACTURING COMPANY, INC.

DOCKET ENTRIES.

July 18, 1934.	Bill of Complaint filed.
July 18, 1934.	Subpœna issued.
July 30, 1934.	Subpœna returned served on Stultz-Sickles Company by serving Edward Stultz, on July 20, on Leitch Mfg. Co. Inc. by serving Ralph Soccoman, Registered Agent on July 24, filed.
Sept. 5, 1934.	Notice of Motion, filed.
Sept. 7, 1934.	Stipulation extending time to file Answer filed.
Sept. 17, 1934.	Hearing on motion to dismiss Bill. Ordered Motion denied. (J. Clark)
Sept. 24, 1934.	Order for Defendant to file Answer, filed.

Sept. 28, 1934.	Answer filed.
Oct. 18, 1934.	Order for Interrogatories and Interrogatories, filed.
Feb. 18, 1935.	Trial. Adjourned to February 19, (J. Clark).
Feb. 19, 1935.	Trial continued to February 25.
Feb. 25, 1935.	Trial continued to March 12.
Mar. 12, 1935.	Trial continued. Decision Reserved (J. Clark).
May 11, 1936.	Final Decree Dismissing Bill with Costs to Defendants filed.
May 14, 1936.	Assignment of Errors filed.
May 14, 1936.	Petition for Appeal filed.
May 14, 1936.	Order Allowing Appeal filed.
May 14, 1936.	Præcipe filed.
June 1, 1936.	Bond on Appeal filed.
June 1, 1936.	Citation issued.
June 2, 1936.	Citation returned. Service acknowledged June 1. Copy filed.
Aug. 6, 1936.	Withdrawal of Appearance filed.
Aug. 21, 1936.	Notice of Motion for Order Permitting filing of revised narrative form of Testimony, filed.
Aug. 21, 1936.	Order Permitting filing of Revised Narrative form of Testimony filed.
Aug. 21, 1936.	Narrative form of Testimony filed.

BILL OF COMPLAINT.

(Filed July 18, 1934.)

IN THE DISTRICT COURT OF THE UNITED STATES,
FOR THE DISTRICT OF NEW JERSEY.

No. 4911. Term, 1934

IN EQUITY.

ON HAYDEN PATENT No. 1,684,671.

The Barber Asphalt Company,
Plaintiff,

v.

Stultz-Sickles Company and Leitch Manufacturing Company, Inc.,
Defendants.

To the Honorable, the Judges of the District Court of the United States, for the Judicial District of New Jersey:

The plaintiff, The Barber Asphalt Company, a corporation organized and existing under the laws of the State of West Virginia, and having its principal place of business at 1600 Arch Street, Philadelphia, Pennsylvania, brings this bill of complaint against Stultz-Sickles Company, a corporation organized and existing under the laws of the State of New Jersey, and having its principal place of business at 134 Lafayette Street, Newark, New Jersey, and within the Judicial District of New Jersey, and Leitch Manufacturing